

*Chief Justice Shaw
with the respect of
W. I. Bowditch*

THE ETHER CONTROVERSY.

VINDICATION

OF

THE HOSPITAL REPORT



OF 1848.

BY N. I. BOWDITCH.

BOSTON:

PRINTED BY JOHN WILSON, 21, SCHOOL STREET.

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VINDICATION OF HOSPITAL REPORT.

IN the month of April last, a card of Dr. Charles T. Jackson appeared in various newspapers of the city of Boston, cautioning "the friends of science and humanity" against a combination of interested persons, and proposing to expose the falsehoods in the Report of the Trustees of the Massachusetts General Hospital presented to the Corporation, January 26, 1848. "A Defence of Dr. Jackson's Claims to the Discovery of Etherization," by his attorneys the Messrs. Lord, was published a few weeks afterwards. Prepared with this deliberation, and heralded with this solemnity, it doubtless presents all the important points upon which Dr. Jackson relies. The notice which the writers take of me is somewhat personal. The other Trustees of the Hospital are declared not to be "held responsible for the truth of my statements, the legitimacy of my inferences, or the justness of my conclusions." Without recognizing any such exclusive responsibility, I am perfectly ready to meet its consequences. Having engaged in this investigation only from the wish that truth and justice might prevail, I am induced by the same motive to ask the attention of the public to a brief vindication of the Hospital Report. I feel it unnecessary, before this community, to defend either my motives or my conduct from the charges made or insinuated by the Messrs. Lord.

It will be remembered, that the Hospital Report alleges, that Dr. Morton, previous to his interview with Dr. Jackson (September 30, 1846), had bought sulphuric ether, and conversed about its qualities, especially its effects when inhaled, as a substitute for nitrous oxide, for the prevention of pain in dental operations, &c.: in other words, that Dr. Morton was seeking for *this* discovery by means of *this* agent, and did *not* get the first idea of using it from Dr. Jackson. These positions are, it is believed, fully established by the statements of Mr. Metcalf and Mr. Wightman. The Messrs. Lord are obviously aware, that it is absolutely necessary for them to do away with those statements. This they attempt, in the case of Mr. Metcalf, by declaring that they *understand* that he (Mr. Metcalf) will not be willing to swear that it was *sulphuric* ether which he saw Dr. Morton buying, — that he merely thinks the vial was so labelled, — that he probably would not swear that Dr. Morton did really purchase said vial of ether, &c. Now, will it be believed, that the Messrs. Lord have never asked a question of Mr. Metcalf upon the subject; and that, on the contrary, Dr. Jackson himself knew from Mr. Metcalf's own lips, that he was entirely certain it was sulphuric ether? What is this, on the part either of Dr. Jackson or his attorneys, but an absolute perversion of truth? I subjoin a note of Mr. Metcalf upon this subject: —

Boston, June 4, 1848.

Dear Sir, — The writers of the reply to the Report of the Trustees of Massachusetts Hospital have never been informed by me, that I was not ready to swear that the vial in Mr. Morton's possession, early in the summer of 1846, contained *sulphuric* ether. Neither can I believe, that they have been so informed by Dr. Jackson; for, *on the evening of the day after the date of my letter to you*, I called at Dr. Jackson's office, and informed him of its purport. He expressed surprise that I was able to fix a purchase of sulphuric ether by Mr.

Morton of so early a date, and asked if I was sure that it was *sulphuric*, and not chloric, ether in the vial. *I told him that I knew it to be sulphuric ether*, because, while conversing with Mr. Morton, I had uncorked the vial, and smelt it.

That the vial contained *sulphuric* ether, — that I made the above statement to Dr. Jackson, — and that Mr. Morton purchased the ether, as I have stated in my note published in the Hospital Report, *I am ready to swear.**

Yours respectfully,

THEODORE METCALF.

N. I. Bowditch, Esq.

Now as to Mr. Wightman's letter. The "Defence" speaks of its vagueness and uncertainty, and suggests many ingenious and elaborate theories to prove that Dr. Morton's interview with Mr. Wightman was *after*, not *before*, his interview with Dr. Jackson. Whatever uncertainty, however, there may be as to the exact time when Mr. Wightman first became acquainted with Dr. Morton, the date of the particular interview with him, which is important in this case, is fixed so securely, that it is hardly possible for any thing to be more definitely established by human testimony. Mr. Wightman came to Boston with his family, Sept. 28, 1846, or *two* days before the interview between Dr. Jackson and Dr. Morton. This date is fixed by an actual entry in his books, and subsequent entries of articles sold Sept. 29, &c. When coming to Boston in the cars, he met Dr. Morton. I have obtained from Mr. Wightman a supplementary note, stating the circumstances which then occurred. These are of such a nature as to make it impossible for him to be mistaken in the fact, that it was before this time Dr. Morton had consulted him about bags of

* Besides the interview here described, Mr. Metcalf previously spoke to Dr. Jackson of the fact, that, *before he went to Europe*, he had seen Dr. Morton buying sulphuric ether, &c. — a fact commented upon in the Hospital Report.

India-rubber cloth for holding sulphuric ether, and on which previous occasion he had advised Dr. Morton to call on Dr. Chas. T. Jackson, for the purpose of obtaining more definite and certain information as to sulphuric ether than he himself could give him. The following is Mr. Wightman's note : —

N. I. Bowditch, Esq.

Boston, June 15, 1848.

Dear Sir, — In reply to your note asking for a written account of the circumstances which I mentioned to you verbally, as alluded to in my letter of Feb. 10, I would state as follows : —

It appears by my books of account and entries of cash made on those days, that, on August 1, 1846, I went to Dover with my family, and that, on September 28, 1846, I returned with my family to Boston; there being also in my account books, for the month of September, separate subsequent entries under dates of September 29 and 30. I distinctly recollect, that, on several different occasions within that period, I met and conversed with Dr. Morton in the cars; and these must have been separated by intervals of at least one week, as I only went to Dover on Saturdays, returning on Monday mornings. We went up together in the five-o'clock trains, and I always returned in the first train; and it was only by reason of my taking a later train, when I brought my family back to Boston, that I met Dr. Morton. On this occasion, September 28, 1846, he had a bouquet in his hand. I was sitting by his side. He asked me if the lady near me was Mrs. Wightman: I replied "yes." He said, "Will she accept these flowers?" I assented, and thereupon introduced him to my wife. She asked me in a low voice who Dr. Morton was. I told her he was a dentist, who was making experiments about extracting teeth without pain. Mrs. Wightman recollects distinctly, that in conversation I observed to her, "Dr. Morton thinks that I do not know what he means to use for this purpose, but I do." From all the circumstances in the case, I have not the least doubt in my mind that the agent he intended to use for that purpose was *sulphuric ether*. This I infer from his inquiries as to the effect of sulphuric ether in dissolving India-rubber bags, &c. as alluded to in my former letter. From that time I have never met Dr. Morton in the cars.

There is one other circumstance, affording internal evidence, that makes me entirely certain that Dr. Morton really called upon Dr. Jackson, pursuant to my suggestion. It is this: Dr. Morton and I

had talked of mesmerism, and he asked me if I believed in it. I told him no; that much of its effects was probably nervous, and much the result of imagination. I then proceeded to relate to him *myself* the very anecdote which it is proved, both by Barnes and M'Intyre, that he (Morton) related to Dr. Jackson, viz. that of a criminal upon whom certain French surgeons tried the experiment of merely pricking his arm while he was blindfolded, and letting warm water trickle down from his arm into a bowl; the result being, as I informed Dr. Morton, that his pulse became more and more feeble; and when the surgeons thought that the experiment had been carried as far as was safe, the bandage was removed, when, to their great surprise and alarm, they found that they could not revive him, and he actually died from the effect of imagination.

Yours respectfully,

JOSEPH M. WIGHTMAN.

Further, the "Defence" admits, that Mr. Wightman and Dr. Morton had an interview, and *within a very few days*, either *before* or *after* the interview with Jackson. Now, throwing out of the case all circumstances by which Mr. Wightman is enabled to fix the date to be *before* the interview with Jackson, what is the other evidence in the case? On the one supposition, all is very natural. Dr. Morton calls on Mr. Wightman, and asks about India-rubber bags for holding sulphuric ether. *He tells him to call on Dr. Jackson* for more definite information. Dr. Morton calls accordingly. At this interview we find him "having in his hand an *India-rubber bag* belonging to Dr. Jackson;" and a conversation commences. *The subject of nitrous oxide is introduced.* At a former interview with Mr. Metcalf, this same subject had led to a conversation about using sulphuric ether for inhalation, instead of nitrous oxide; and the same result follows on this occasion.

On the hypothesis that the interview with Mr. Wightman was after that with Jackson, two obvious questions arise. If Dr. Morton had already received such definite

and particular instructions from Dr. Jackson as to the use of ether, and how to apply it, and had actually performed his first experiments, why should he call on Mr. Wightman at all, and ask about India-rubber bags, and whether ether would dissolve them? Why not take Dr. Jackson's opinion on this point? and, when Mr. Wightman tells him to go to Dr. Jackson for definite information, what possible motive could he have had for not replying, "I have been to see him a very few days ago, and he has told me all about sulphuric ether"? No, this internal evidence, of itself, would be enough to settle the question of priority as to these interviews.

It is, then, a fact for ever established, that Dr. Morton's conversations with Mr. Metcalf and Mr. Wightman were *before* his visit to Dr. Jackson. Of course it follows, that when, at this interview, he asked if ether were a gas, and said, "What queer-smelling stuff!" he was designedly concealing what he knew. And what motive could he have had for such concealment, except that subsequently assigned by himself, viz. that he was seeking for this discovery, and was fearful that, if he made any direct inquiries of him, Dr. Jackson would claim it as his own? *

Now, suppose that all four of Dr. Morton's witnesses, Spear, Leavitt, Hayden, and Whitman, are perjured; that no demijohn of ether was purchased; that no experiments were tried from the contents of such demijohn; still these two statements of Mr. Metcalf and Mr. Wightman prove, as I conceive, beyond a possibility of doubt, that Dr. Morton was seeking for this discovery before

* It has been stated in the Hospital Report, that the facts proved by Mr. Metcalf make it certain that the degree of ignorance expressed by Dr. Morton, in his interview with Dr. Jackson, was assumed. Yet the "Defence" says upon this point, "We have to depend on Mr. Morton's word alone."

Sept. 30, 1846; and that he was *not* indebted to Dr. Jackson for the first idea of using sulphuric ether, as claimed by Dr. Jackson and his friends. Mr. Wightman, indeed, as he expressly states, feels certain that it was only in consequence of his casual suggestion that Dr. Jackson was consulted at all in the case. The facts proved by these two statements utterly overthrow Dr. Jackson's exclusive pretensions.* The concurrent testimony of the other four witnesses is merely cumulative. It may be wholly rejected, without affecting one of the conclusions arrived at in the Hospital Report. Three of these witnesses are living, and can take such steps as they consider necessary for the vindication of their characters; but the late Francis Whitman, one of these witnesses, is spoken of by many who knew him well, in high terms, as a man of truth and honor. Even Dr. Gay, then not pretending to doubt the existence of the demijohn, said to me, that Whitman was *too honest* to allow that it contained sulphuric ether, and therefore in his deposition states it contained chloric ether. That such a man would lend himself to this base conspiracy to injure Dr. Jackson, I, for one, entirely disbelieve; and yet, if his testimony is to be credited, it establishes a secret purchase of some sort of ether. The "Defence" itself introduces no evidence to impeach this witness, except the allegation, that all the witnesses, after giving their depositions, began to talk of matters respecting which they had been before silent. I designedly abstain from any comments upon the testimony by which Dr. Jackson endeavors to impeach the credibility of these four witnesses, as I think the whole matter comparatively irrelevant and unimportant. I will, however, make one or

* Indeed, Mr. Metcalf's letter alone is of itself sufficient to do so.

two suggestions. Mr. Brewer's affidavit is merely, that his firm sold ether of a certain quality, and never such as that in the demijohn.* Now, such is the volatile nature of ether, that, if the vial containing it be left open or insecurely closed, its whole spirit will evaporate. A physician of high scientific attainments, and a member of the Academy, informs me that, last year, he ordered a vial of ether at an apothecary's, and, on opening it, perceived that it had no smell of ether, and, calling the apothecary's attention to its worthless character, asked an explanation. The reply was, "I don't understand this. *It was some of Stevens & Brewer's best.*" It was probably at first a good article; and, like it, the contents of the demijohn had deteriorated, from the same or some other cause. This explanation disposes of that one of Dr. Morton's alleged "lies" which is founded on this affidavit. Indeed, some half dozen of these "lies" relate to this demijohn and its contents.

Some most puerile remarks are made upon the discrepancies in the testimony. Thus Leavitt says, that he was sent to Dr. Gay, but could not find his residence; while another witness swears, that Leavitt came back, and said Dr. Gay was not in. Do not the Messrs. Lord, as "counsellors-at-law," know that these slight discrepancies are really satisfactory as proving a want of concert among the witnesses? Similar discrepancies are actually adduced by commentators as evidence of the genuineness even of the Gospels.

Again, there has always been a system of concealment and secrecy on the part of Dr. Morton, manifest throughout all the testimony, and expressly recognized in the Report. This very ether is sworn to have been bought

* It is only a sort of advertisement *under oath*.

in the name of a fictitious purchaser, as if to be sent into the country. Whitman's testimony also seems to imply, that this system extended to the demijohn and its contents. Thus he says, "I told Dr. Morton I knew what it was that William had bought, and said it was chloric of ether." This system of concealment explains the fact, that many of those employed in Dr. Morton's office may never have happened to see the demijohn. But one credible witness, who swears positively to its existence, is to be believed, though twenty others equally credible swear that they never saw it. Further, this system of concealment may explain the silence of the four witnesses, prior to the giving of their depositions; since, of course, all injunctions of secrecy would then be removed. It is obvious, that a controversy may be carried on interminably by *ex-parte* affidavits made without any cross-examinations; each set of witnesses impeaching the characters of those on the opposite side, and the public having no means of judging of the degree of credit to be given to either.* It may be remarked, that Dr. Morton has always been willing to leave the question to reference, when perjury on either side would be sifted by the cross-examination of intelligent referees. But I repeat, that the vindication of the Hospital Report requires no such prolonged discussions. No one impugns the integrity or doubts the intelligence of Mr. Metcalf or Mr. Wightman. Both are free from the slightest bias or interest; and their statements form the all-sufficient basis upon which rest these positions of the Hospital Report.

* We may observe, that, while highly respectable references as to character are given by the witnesses of Dr. Morton, no letters of introduction are presented by Mr. Hunt and others, witnesses of Dr. Jackson, who had, like them, been employed in Dr. Morton's office.

The "Defence" contains a mass of testimony to the effect, that Dr. Morton habitually admitted that it was Dr. Jackson's discovery, and not his. But it is expressly stated in the "Defence," that Dr. Morton sought to obtain a patent without Dr. Jackson's previous knowledge or permission; thus publicly claiming before all the world, that, in performing the first experiment, he had acted for himself, not as the agent of Dr. Jackson. So, likewise, printed circulars were published in the newspapers, and distributed as handbills, in which Dr. Morton most positively and emphatically claimed this discovery as his own. These are still extant. One of them has been submitted to me. Dr. Morton, of course, always admitted his obligations to Dr. Jackson. I have no doubt, that he did most fully and openly declare, on many occasions, the truth, — namely, that Dr. Jackson told him to try this new agent, and pronounced it to be safe, — that it was by his express advice and sanction that he performed his first experiment of pulling out a tooth. But, whatever may have been his language on these occasions, it cannot alter the facts proved by Mr. Metcalf and Mr. Wightman, namely, that, before he saw Dr. Jackson, he was himself seeking to learn the properties of this agent, for the purpose of realizing this discovery. Dr. Morton had an obvious and very powerful pecuniary motive for thus uniformly declaring and setting forth Dr. Jackson's claims as the discoverer, viz. that of getting the discovery more generally introduced than it could be otherwise. Indeed it is stated expressly in Mr. Eddy's testimony, that he advised Dr. Morton to admit Dr. Jackson as a joint patentee, because he thought "that his association with Dr. Morton would give immediate character to the discovery." After the joint patent was taken out, and

when no dispute could therefore be anticipated, and Dr. Morton's object was merely to sell his rights as extensively as possible, he did doubtless put Dr. Jackson prominently forward, and award to him in the fullest terms the credit of having made the immediate scientific suggestion which led him to try the first experiment. It is somewhat amusing to find Dr. Jackson insisting that these verbal declarations of Dr. Morton shall debar him from proving the previous steps which he had taken towards this discovery, and for ever oblige him to admit as true, what certainly is not true, that he got the idea of using sulphuric ether for this purpose, for the first time, from Dr. Jackson; while, on the other hand, the statements of Dr. Jackson, actually written, signed, and *sworn to* (in the specification accompanying the patent), to the effect that the discovery was a joint one, — that no human being ever discovered this power of ether before this joint discovery, &c. — are quietly set aside by him as the mere formal “wording of an official paper.”

If the claim to this scientific discovery is to be decided by the application of the technical doctrines of estoppel, those rules certainly ought in fairness to be applied to both parties.

The “Defence” next insists upon Dr. Jackson's having been induced to become a party to the patent “for the single purpose of securing the *credit* of the discovery.” This uniform disinterestedness is again alleged. The “Defence” says, “That he did not wish to make any thing out of the public is sufficiently proved by,” &c. The reader, however, will remember that the letter of Dr. Jackson's legal advisers, published in the Hospital Report, demanding an increased share of the profits, speaks of the patent as one “*which, if sustained, promises*

to give to all parties large sums of money for their united co-operation."

And here I will notice a slight though unworthy misrepresentation of the Messrs. Lord. They say, in speaking of the patent, "Mr. Morton, with *most disinterested alacrity*, made it (the discovery), according to Mr. Bowditch, 'free as God's own sunshine.'" Whereas, they well know that the Hospital Report denounces the patent in the strongest terms, and expresses the *wish* that it had been taken out rather from the hope of securing the honor than the *profits* of the discovery. What the report really says is, that the discovery "*had gone forth* free as God's own sunshine," and this notwithstanding the patent.

Again, it is most positively stated in the "Defence," that there is no pretence that Dr. Morton ever made a gratuitous offer of any sort to the army and navy of the United States, as declared in the Report; he having really only offered to *sell* his discovery to the Government. But, in fact, subsequently to the offer to sell to Congress, letters *were* addressed by his agent to those two departments, offering its use forthwith, on account of the existing war with Mexico.*

The "Defence" claims for Dr. Jackson the honor of introducing this discovery into the Hospital. It is abundantly proved by the Report, that the first capital operation, and two others preceding it of a less serious character, were performed by surgeons who knew only Dr. Morton — Dr. Jackson's name not having been mentioned to them at all. Dr. Jackson, however, attempts to connect himself with these first operations by evidence that he told Dr. Morton to call on Dr. Warren. The

* See Appendix.

idea of generalizing and extending the discovery was of course perfectly obvious; and (even if we disbelieve the testimony of Dr. Hayden, that Dr. Morton had already decided to go to the Hospital) Dr. Jackson can hardly claim much merely from such a suggestion. The reluctance testified to, as manifested by Dr. Morton to Dr. Jackson with regard to going to the Hospital, I suppose indeed to have been part of his system of concealment. It was a reluctance to go there *as the agent of another*. He was unwilling probably to accede to this suggestion, lest he should be deprived by Dr. Jackson of all credit which might result from taking this step. But what is Dr. Jackson's actual relation to the Hospital in this matter? He sends to the surgeons of this institution an agent whom he avowedly regards as ignorant and reckless. He does not trouble himself to call personally upon any one of these surgeons to give them a word of caution or advice, though all six of them live within five minutes' walk of his house.* For many successive weeks, he does not go once to the Hospital to see these operations, though absent from the city only during a brief period as stated in the Report. And, when at last he concludes to do so, Mr. Burnett sees him at his office, and is informed by him that he is going to take a bag of oxygen to the Hospital, as he thinks Morton will probably kill somebody yet with the ether, before he has done. All this, surely, is a singular mode of manifesting his interest in, and promoting the success of, these Hospital operations. During the same period, Dr. Morton is not the reluctant agent of another. He acts for himself. While, on the one hand, it would be difficult to exaggerate the degree of indifference shown by Dr. Jack-

* A casual interview with Dr. Warren, *after* the two first operations, forms no exception to the truth of this remark.

son during the whole series of these early experiments, it would, on the other, be equally difficult to do more than justice to the earnest and indefatigable efforts of Dr. Morton. One of the surgeons of the Hospital says that he absolutely haunted them.

Dr. Jackson, upon this state of facts, and in compliance with alleged applications from numerous quarters, concludes to give to the world a true narrative of this great discovery, and of the circumstances attending its introduction. This he does in the form of a paper addressed to the American Academy, and published in the Boston Daily Advertiser, March 1, 1847. He there thinks it best to suppress all mention even of Dr. Morton's name in connection with the Hospital. He deliberately claims all himself. "I was desirous of testing it (the ether) in a capital operation," &c. "Dr. Warren *politely consented* to have the trial made." But mark the result. At the meeting of the Academy on the very next day, Dr. Jackson learns from Dr. Hayward that *he* performed the first capital operation at the Hospital. Dr. Jackson forthwith alters his text, so as to make *Dr. Hayward* "*politely consent*" to perform that very operation. In other words, Dr. Jackson, by his own showing, did not know till March 2, 1847, who it was that had politely consented, at his desire, to do this important act four months before. Dr. Hayward states that, when he performed this operation, he had not the slightest suspicion that Dr. Jackson had any thing to do with this discovery. Nor, as it appears, had Dr. Jackson the slightest suspicion that Dr. Hayward had any thing to do with performing the operation. In alleging any polite consent of Dr. Hayward, under these circumstances, Dr. Jackson certainly drew largely on his imagination.

After all, then, Dr. Jackson cannot, it would seem,

complain of Dr. Morton's conduct in this instance. If Dr. Morton suppressed Dr. Jackson's name, when, pursuant to his advice, he asked Dr. Warren to perform these operations, Dr. Jackson in return suppressed his in his true and perfect history of their performance. The one, it may be, wrongfully appropriated a suggestion; the other, in return, appropriates its verification.

The fundamental proposition of the Hospital Report is, that "Dr. Jackson does not appear at any time to have made any discovery, in regard to ether, which was not in print in Great Britain some years before." Does the "Defence" adduce any additional evidence on this point? The only new testimony is that of Mr. Blake, who relates a conversation, in the spring of 1842, on the subject of nitrous oxide and sulphuric ether, when Dr. Jackson said, "Are you aware that, when inhaled, it (sulphuric ether) produces complete insensibility?" or words to that effect. Is it gravely pretended, that this question implies any extraordinary knowledge of this agent on the part of Dr. Jackson? Why, twenty-five years before, we find in a London publication ("Journal of Science and Arts," 1818) an article upon the effect produced by the inhalation of the vapor of sulphuric ether; where it is expressly stated, that its effects resemble very much those of nitrous oxide. The best apparatus or mode of inhaling it is exactly described, and the necessity of an admixture of atmospheric air, &c. shown, as in Dr. Jackson's final advice to Dr. Morton; and the result, in one case mentioned, is declared to have been the production of a lethargic state, which was regarded as highly dangerous.

Dr. Jackson and his friends (?) wish the world to believe, that, as early as 1842, he had arrived at the mature and well-considered conclusion, that pure rec-

tified sulphuric ether could be inhaled with safety and effect for preventing pain in all surgical operations. The utmost of the evidence adduced by him to support this proposition is, that he once inhaled this ether to the extent of producing unconsciousness, *when he was not suffering any pain*; and once more to the like extent, when suffering from the effects of chlorine gas, for the relief of which it was the prescribed remedy in the text-books.* Now, Davy had suggested that the nitrous oxide, by producing insensibility, might be used for the prevention of pain in surgical operations attended with little effusion of blood; and the writer in 1818 had ascertained, that sulphuric ether produced effects analogous to those of nitrous oxide. These suggestions and facts were before the world. Dr. Jackson, from his own limited experience in the two instances above stated, seems to have formed the opinion, that pure rectified sulphuric ether could be inhaled with safety, to the extent of producing insensibility; — an opinion which he never could persuade any one else to entertain, who knew the opposite authorities on the subject. This opinion he apparently thought of little value. He, in casual conversations, incidentally suggested the use of sulphuric ether for the prevention of pain in dental operations. The only positive, explicit testimony, however, that he actually mentioned this very agent, even for this object, is a case where one of his students was desirous of being mesmerized, with a view to the extraction of two teeth without pain; whereupon Dr. Jackson suggested the use of sulphuric ether instead. There is not a tittle of evidence, that in any case, not even in this last, Dr. Jackson expressed the wish to have the experiment tried for his own satisfaction, or to verify his suggestion. And yet we find, from the “Defence” itself, that Dr. Jackson

was all along conscious, that, until such actual experiment was performed, nothing could be published to the world *as a fact*. Knowing this to be so, he yet takes no voluntary, deliberate step whatever *to ascertain whether it be a fact or not*. He does not try, or cause to be tried, a single experiment on man or animal; nor does any one else to whom he makes a suggestion venture to do so; *because ether had been known to produce fatal effects*, and the decided weight of authority was against Dr. Jackson's opinion of its safety.* At last comes Dr. Morton. The subject of inhalation to prevent pain had been long in his mind. He had been a partner of Dr. Wells, and knew of his nitrous-oxide experiments. These, having been attended with but partial and doubtful success, were abandoned by Dr. Wells. The object aimed at by them was of great importance to Dr. Morton in his profession. He buys sulphuric ether. Mr. Metcalf talks with him about its character and properties, about Dr. Wells's unsuccessful experiments with the nitrous oxide, and about the inhalation of ether as a substitute therefor; telling him "the generally received opinion, that its excessive inhalation would produce dangerous, if not fatal, consequences." Dr. Morton then calls on Mr. Wightman, asks for India-rubber bags made for retaining gas, and inquires "whether it would do to put sul-

* A recent *jeu-d'esprit*, in the ether controversy, describes the case of a man, who, being told by another that there was honey in the hollow of a tree, subsequently *verified* this suggestion, thus made the discovery himself, and secured the honey. It would have spoiled the joke to have added, that the informant had repeatedly told others of the same honey, all of whom feared that there was a deadly snake concealed in the hollow, and therefore did not like to put their hands into it. This was, indeed, the "generally received opinion" of the whole neighborhood. Truly, under such circumstances, the verifier of the suggestion deserved the honey. And it will be in vain for the informant to cry out, "I saw it first: I wont leave it to anybody to decide which of us shall have it. I have, indeed, sworn that it belongs to us jointly; but it really all belongs to me. You sha'n't have a mouthful of it."

phuric ether into them." Mr. Wightman refers him to Dr. Jackson for more certain and definite information on the subject than he can give.

To a mind thus prepared to receive it, the final impulse was now to be given. The same casual suggestion which he had before made to others, Dr. Jackson at last makes to Dr. Morton, — to one whom he had known for years, whose personal and scientific character he distrusted, and of whom he always spoke most disparagingly, — one to whom, after the very first successful experiments, he refused to give a written certificate of the safety of ether, on the grounds, as the "Defence" alleges, of a conviction of his ignorance, and an unwillingness to figure in his advertisements. This information, be it remembered (as stated in the Report), was elicited by Dr. Morton in an interview *sought by him* for an alleged specific purpose, viz. to obtain the means of persuading a patient to submit to an operation, under the idea *that it would be unattended with pain*. It was not disclosed in an interview sought by Dr. Jackson. Dr. Morton was not asked to make trial of it for Dr. Jackson's satisfaction, or to accomplish his purposes.

Now, is not every act and every omission of Dr. Jackson, from first to last during these five years, utterly inconsistent with a conviction in his own mind that he had made this great discovery? Had his breast been warmed with the faintest consciousness of this great truth, could he have been thus totally and uniformly indifferent? And knowing, as he must have done, the importance of those experiments by which alone it could be verified "*as a fact*," would he at last have suggested their performance, and resigned their exclusive management and control, to one whom he deemed thus ignorant and reckless? Having such a glorious conception, would

he thus voluntarily and knowingly have incurred such imminent risk of miscarriage? As well believe that Columbus would have suggested and relinquished to a common sailor the attempt to discover his new world!* Contrast for one moment his conduct during these five years with his proceedings afterwards. The discovery is no sooner promulgated, and its importance recognized, than his ardent, impulsive character, and his thirst for reputation and popular applause, at once display themselves. The discovery is his own — wholly — exclusively — no partnership in it with Dr. Morton. *He* is to have no participation in the credit which it brings — “not even to the extent of the paring of a finger nail.” Through private and through official channels, in conversation and by the press, Dr. Jackson communicates *his* discovery, and claims for himself the gratitude of mankind. With what face, however, can he now appeal either to the friends of science or of humanity, after the folly and the heartlessness involved in this five years’ delay? What are *his* claims to gratitude who has proved himself so long utterly insensible to the dictates of nature and the sufferings of the world? In alleging that he made this discovery in 1842, Dr. Jackson seeks, as it seems to me, to vindicate his scientific claims at the expense alike of his character and his understanding; — and this although his entire recent

* Dr. Jackson has compared himself, in this matter, to Columbus; and his friends have done so likewise in previous publications. I was not surprised, therefore, to find that the writers of the “Defence” recognize in Dr. Jackson, Columbus; and in Dr. Morton merely the sailor who first shouted “land” from the mast-head. I would suggest, as a truer estimate of their relative positions in regard to this discovery, that Dr. Morton was the energetic commander of a vessel, — somewhat deficient, it may be, in nautical science; and Dr. Jackson, a skilful pilot, summoned when the voyage was just at its close, by whose aid the vessel was brought safely into port; where it would, in all probability, have arrived without that aid.

conduct demonstrates, that, if he had made this discovery in 1842, the whole world would have known it forthwith. But no! The supposition is too monstrous. The true explanation is contained in the Hospital Report. Dr. Jackson merely thought, that the insensibility produced by sulphuric ether might last while a tooth was extracted, — a conjecture of so little consequence, that he wholly neglected all attempts to verify it, and merely suggested it in a casual manner when his attention was accidentally called to the subject.

And now I have done with this controversy. Whatever be its issue, it will always be to me a source of satisfaction, that, placed in a situation which as I thought devolved upon me the duty of engaging ⁱⁿ on it, I have, according to my convictions and to my ability, candidly stated, and earnestly enforced, the claims of truth. I am no "heated advocate of Dr. Morton." I am not even his apologist. It was of him, of his want of frankness, and of the consequences which it had entailed upon him, that the Report says, "Thus fitly has the majesty of truth vindicated itself!" But, whatever may have been his deficiencies or his mistakes, I feel certain that to him the world owes this discovery. Should posterity ever erect a commemorative statue, I believe that it will be inscribed with his name. He has, indeed, already received a slight "testimonial of the gratitude of his fellow citizens," in a limited subscription, for the purpose of contributing "towards indemnifying him for his services and losses." On the other hand, I have always recognized the value of the suggestions made by Dr. Jackson. There is no evidence, that, until the interview with him, Dr. Morton had ever heard that sulphuric ether, *when pure and rectified*, could be inhaled to the extent of producing

insensibility, with more safety than the common ether of the shops. For this opinion, strongly expressed, and the soundness of which was proved by Dr. Morton's subsequent experiments, he was, as I believe, indebted to Dr. Jackson. The Report accordingly speaks of this suggestion as one "which led or aided Dr. Morton to make this discovery," without which "Dr. Morton would not have made it at that precise time, and might have failed to do so at any time." But I regard the *exclusive* pretensions advanced by Dr. Jackson as the most preposterous that any man of science ever laid before an intelligent community ; and such, I sincerely believe, will be the final judgment of mankind.

APPENDIX.

PUBLICATION OF DR. JACKSON'S MEMOIR TO THE ACADEMY,

Referred to in p. 16.

ONE sentence in the "Report" is, — "On the other hand, Dr. Jackson transmits to Europe, as a paper which had been read before the American Academy, a statement of his claims to this discovery, *when in fact it had not been so read*; thus communicating it to the world under an official sanction, to which it was not as yet entitled." The next sentence in the Report alleges, that Dr. Jackson, in the publication referred to, states that he "was desirous of testing it (the ether) in a capital operation," and that "*Dr. J. C. Warren politely consented* to have the trial made; and its results proved entirely satisfactory, an amputation having been performed under the influence of ethereal vapor, without giving any pain to the patient." The "Defence" comments upon the groundlessness and injustice of this imputation of fraud, and refers to the fact that I had been already called to account in the columns of the Boston Daily Advertiser, and had deliberately justified the charge as "a legitimate inference." My reply in the Daily Advertiser having been thus referred to by the Messrs. Lord, I now subjoin the essential parts of it. One sentence in that reply the editors preferred to omit, as containing new matter, and tending to prolong the controversy; and to this suggestion I acceded for the reason assigned. That sentence I now add in brackets. I also add a postscript, sent to the editors, which they decided not to publish with my reply: —

To the Editor of the Daily Advertiser.

* * * In the Daily Advertiser of March 1, 1847, you congratulate your readers on being permitted to lay before them "the following paper addressed by Dr. Jackson to the Academy," &c. "of which body he is a member," prepared at the request of Mr. Everett, the Vice-President, and others. You then copy the letter of Mr. Everett, requesting Dr. Jackson "to place on record, in the form of a paper addressed to the Academy, his claims to this discovery."

You then copy a note of Dr. Warren to Dr. Jackson. Then follows Dr. Jackson's paper itself, without the slightest intimation that it was a communication intended to be presented to the Academy at a future day. This paper begins, "*Mr. President* [not Mr. Vice-President], In reply to numerous inquiries addressed to me from scientific gentlemen in various parts of the country, *I beg leave to submit to the Academy the following communication.*"

It will not be pretended that, when this publication was made, Dr. Jackson had transmitted, communicated, or read to the Academy the paper in question. Indeed, the exact paper thus published has never yet been presented by him to the Academy in manuscript. And the very sentence quoted by the Trustees has been most materially altered in the paper actually on the files of the Academy in a point important to the establishment of his claim, so that it now alleges as a fact what had been denied in the Report upon the express authority of Dr. Hayward.

Suppose, Mr. Editor, you had congratulated your readers on being able to lay before them the following argument of Mr. Webster, *addressed* by him to the Senate of the United States, and had then copied a paper beginning, "*Mr. President and Senators, I beg leave to submit to your consideration,*" &c. would not every reader be justified in inferring and saying that you published that paper *as a speech delivered* by Mr. Webster in the Senate of the United States? To return to the present case. What constitutes a *communication* to a scientific body from one of its members? Has the society no rights? May it not refuse to receive a communication, or to publish one that has been received?

Is it not perfectly clear that no paper can be *communicated* to a scientific body by one of its members, except by transmission to its proper officers, or presentation or reading at a meeting of the Society? Does not the *publication* of a paper, as a *communication* to the Academy, necessarily imply that all steps had been taken which make it a communication? Not only so, but does it not further imply that the Society, in the exercise of its rights, had permitted it to be published? In the Statutes of the Academy, chapter viii. on "Literary Performances," the second section is as follows:—"A committee of three persons, to be called the *Committee of Publications*, shall be chosen at each annual meeting, and to them all memoirs submitted to the Academy shall be referred." Is it not, therefore, a legitimate inference, from the publication made by Dr. Jackson in this case, that his paper had been communicated, submitted, or *read* to the Academy, and afterwards been referred to the Committee of Publication, and finally published with their permission? I doubt whether an instance ever before occurred where a member of a scientific body has *presumed* to publish to the world, *as a communication addressed to that body*, a paper not previously submitted or read. And no reader could for a moment imagine, that Dr. Jackson had been guilty of this unprecedented indecorum, and actual violation of the statutes of the Academy.

It would seem, from the remarks of your correspondent, as if there were some especial significance in the word "*read*," as if a paper *read* before the Academy had a more decided stamp of approbation than one which had *not been read*. Of this, however, there is no pretence. If a paper is short, and upon a subject of general interest, it is usually read; if long, or upon an abstruse subject, it may be otherwise disposed of by reference to an appropriate committee. The printed

transactions contain many papers, which could not, of course, have been previously read; such as life-annuity tables, &c. Now, if ever a paper would be likely to have been *read*, it is this very one under consideration. The publication of it, as I contend, necessarily presupposes that all the usual previous steps had been taken, *reading included*. If Dr. Jackson and his friends prefer, however, the more general word *submitted*, I should not be in the least unwilling to gratify them by this verbal change.

It has never been pretended, that Dr. Jackson made *an express literal statement that his paper had been read, submitted, or otherwise communicated to the Academy*. But, on the other hand, I contend that the charge substantially made by the Trustees is fully sustained by the facts, and by the fair, legitimate inferences from those facts; viz. that Dr. Jackson transmitted to Europe, as a communication to the Academy, a statement of his claims to this discovery, which in fact had not been communicated to that body; thus sending it forth to the world under an official sanction, to which it was not yet entitled.

[Further, it will not be denied by Dr. Jackson and his friends, that the letter of Mr. Everett was addressed to Dr. Jackson, pursuant to a direct previous suggestion from one of his (Dr. Jackson's) friends. And why was this letter thus asked for, and afterwards published with the paper in question, on the very day of the sailing of the steamer for Europe? Certainly not for any purposes of the Academy. Every member may make a communication when and as he chooses. It would seem clear that it must have been with the motive, on the part of Dr. Jackson, of giving to his publication throughout all Europe the still further sanction of Mr. Everett's name.]

The charge of the Trustees against Dr. Jackson was of "disingenuousness," not, as you are pleased to say, of "fraudulent misrepresentation." * * *

In conclusion, I would state, that, being extremely desirous to do no injustice to Dr. Jackson in this matter, I submitted this part of the Report to no less than five members of the Academy, all of whom expressed themselves indignant at the course which had been pursued by Dr. Jackson, by which they considered that he had wrongfully claimed for his statement the credit attached to a communication made to the Academy.— I remain, &c.

Boston, March 27, 1848.

P.S. — That the exact nature and extent of the alterations made by Dr. Jackson in his Memoir to the Academy, after it had been published, may be known, I subjoin the following certificate, showing those alterations in brackets:—

"The following is a true extract from Dr. Jackson's original communication on the subject of ether, as now on the files of the American Academy:— 'I was therefore desirous of testing it in a capital operation, the severity of the shock being the test with regard to the degree of insensibility. Dr. J. C. Warren [*and Dr. George Hayward*] politely consented to have the trial made, and its results proved entirely satisfactory; an amputation having been performed under ethereal vapor, without giving any pain to the patient. [See note.] The note referred to is, — ['March 2, 1847: Dr. Hayward has this day informed me, that the first trial of the ether vapor was consented to by him, and that he performed the first operation when the ether was used in the Hospital.'] — A true copy from Dr. Jackson's paper on file, — O. W. HOLMES, Recording Sec."

The Daily Advertiser subsequently permitted a rejoinder to my reply. In this rejoinder, Dr. Jackson's paper addressed to the Academy, but not yet communicated, is compared to an instrument purporting to be a deed, which, though written and signed, does not become such till it is *delivered*. I will adopt and carry out this illustration, though it may seem of a somewhat professional character. If a *grantee publishes* a deed to the world by putting it on record at the Registry Office, it may fairly be said of him, that he records the deed *as having been previously delivered*.

By a note from Mr. Everett, published by Messrs. Lord, it appears that he regards Dr. Jackson as free from blame in this case. I certainly am not disposed to question, that this is high authority. But, on the other hand, the Messrs. Lord accord to my views the authority of Dr. Jacob Bigelow, President of the Academy, since it is under his especial influence and advice that they suppose the Report to have been prepared. And what is the opinion of the Academy itself? A letter of the distinguished astronomer Leverrier, reflecting severely upon Professor Pierce, was recently published, in an English translation, in the columns of the National Intelligencer, and was subsequently transmitted to the Academy by the translator as a communication. *The Academy refused to receive it; one ground of refusal* being that Leverrier had already previously selected another channel of communication with the public. It remains, after this precedent, to be seen whether Dr. Jackson's communication will ever be published in the Transactions of the Academy. It happens to be within my knowledge, that when my father, the late Dr. Bowditch, was President of the Academy, certain tables, calculated by one of the members and communicated to the Academy, were asked of that member for publication in the American Almanac. Dr. Bowditch told him, that he had no authority to permit them to be so published; that they were no longer his, but the property of the Academy. The rules and practice of the Academy, indeed, seem extremely judicious. It does not, as a body, hold itself responsible for any thing even in its printed transactions; but, on the other hand, it requires that no communication shall be printed that has not been first read or submitted to the Academy, and that has not also expressly received the sanction of the Committee of Publication. It is thus made reasonably certain, that nothing shall ever appear in print, containing a flagrant and palpable error: whereas, in the instance now under consideration, a most important mistake was discovered *after the publication*, as soon as the paper was read; Dr. Hayward himself being present, and exposing it at that very meet-

ing of the Academy. The question, however, is not, "Is the Academy, by its rules, under any liability by reason of Dr. Jackson's publication?" — but, "Did Dr. Jackson, by his publication, do an act calculated and designed to make the public believe that his Memoir had the sanction of the Academy?" It is, however, needless to multiply authorities or arguments on either side. Every reader will candidly judge for himself; and, conscious that I made the statement in the Report cautiously, deliberately, and in good faith, I feel that I have nothing to regret or retract in relation to it.

THE OFFER TO THE ARMY AND NAVY OF THE UNITED STATES,

Referred to in p. 14.

Boston, Jan. 18, 1847.

Hon. J. Y. Mason, Secretary of the Navy.

Sir, — Having ascertained that, in the present condition of the Treasury, I could not hope to get an appropriation made by Congress to *purchase* Dr. Morton's letheon, or vapor for the prevention of pain in surgical operations, and being still anxious that the navy should be supplied with it at once, we are willing to forego our just compensation, for the good of the suffering soldiers and sailors, and will supply the navy in the Gulf of Mexico and elsewhere forthwith at an expense altogether trifling. Should the department, therefore, grant us permission to do so, we will send an agent at once, whose expenses to the department will be but *a few hundred dollars*, while the apparatus will be furnished at our wholesale price, and the vapor will cost but *one or two cents* to each patient. — An immediate answer is desired.

Respectfully, your obedient servant,

EDW. WARREN, Agent for Dr. Morton.

A similar letter of same date was likewise addressed to the Hon. Mr. Marcy, Secretary of War.

CIRCULAR NOTICES OF DR. MORTON,

Referred to in p. 12.

Dr. Morton, dentist, No. 19, Tremont Row, Boston, has *discovered a compound*, by inhaling which a person is thrown into a sound sleep, and is rendered insensible to pain. He has administered the compound, in his own practice, to extract teeth, and at the Massachusetts General Hospital in surgical operations, and in every case with the most complete success.

The following certificates are from J. C. Warren, M.D. Professor of Anatomy and Surgery, Massachusetts Medical College; George Hayward, M.D. Professor of the Principles of Surgery and Clinical Surgery in the same institution; and C. F. Heywood, House Surgeon, Massachusetts General Hospital. The Medical College is connected with Harvard University: —

"Boston, October 17, 1846.

"I hereby certify, that I have twice seen the administration of *Dr. Morton's application* for the prevention of pain; that it had a decided effect in preventing the sufferings of the patients during operation; and that no bad consequences resulted.

"J. C. WARREN."

"On Saturday last, at the Hospital, I removed a tumor from the arm of a patient, who had immediately before inhaled something *prepared by Dr. Morton*, of this city. The operation lasted seven minutes. The patient gave no indication of suffering. She assured me afterwards she did not suffer, nor has she to the present time experienced any inconvenience from the inhalation.

"Tuesday, Oct. 20, 1846."

"GEORGE HAYWARD."

"I certify, that I assisted in the administration of *Dr. Morton's preparation* to two patients, operated upon by Drs. Warren and Hayward, at the Massachusetts General Hospital, on the 16th and 17th of October; that, under its influence, both these individuals submitted to operations, lasting from five to ten minutes, without suffering; and that they speedily recovered from its effects.

"Oct. 22, 1846."

"C. F. HEYWOOD,"

"House Surgeon, Massachusetts General Hospital."

In the Transcript of Nov. 20, 1846, is inserted the following: —

TO THE PUBLIC. — Dr. Morton, surgeon-dentist, No. 19, Tremont-street, Boston, hereby gives public notice, that letters patent have been granted by the Government of the United States *for his improvement*, whereby pain may be prevented in dentistical and surgical operations. He is now making arrangements to allow dentists, surgeons, and other suitable persons, to purchase licences to use said improvement; and all persons are hereby cautioned against making any infringement on the same, if they would avoid the trouble and expense of prosecution and damages at law.

TESTIMONIAL TO DR. MORTON,

Referred to in p. 22.

The following details may not be without interest in relation to the ether controversy: —

LETTER TO DR. MORTON.

Boston, May 12, 1848.

Dear Sir, — At a meeting of the Board of Trustees of the Massachusetts General Hospital, a few weeks since, it was informally suggested, that a limited subscription of one thousand dollars shall be raised for your benefit, in acknowledgment of your services in the late ether discovery, — no one to be asked to subscribe more than ten dollars. We consented to act as a Committee to receive and apply the proceeds of this subscription. The proposed sum having been obtained, we have now the pleasure of transmitting it to you. We also enclose the subscription-book in a casket which accompanies this note. Among its signatures you will find the names of not a few of those most distinguished

among us for worth and intelligence; and it may be remarked, that it is signed by every member of the Board of Trustees.

You will, we are sure, highly value this *first* testimonial, slight as it is, of the gratitude of your fellow-citizens. That you may hereafter receive an adequate national reward is the sincere wish of your obedient servants,

SAMUEL FROTHINGHAM,
THOS. B. CURTIS.

To Dr. William T. G. Morton.

DR. MORTON'S REPLY.

Boston, May 15, 1848.

Gentlemen, — I need hardly say, that your communication of the 12th inst. and the accompanying casket, subscription-book, and donation, have been received by me with gratification of no ordinary degree.

Apart from the positive value of the gifts, the kind feeling which has led to this manifestation on the part of so many of the first citizens of Boston has affected me in a manner that I am not likely soon to forget. The circumstances in which I have been placed for some time past give them an additional value; and by my children the testimonial will be appreciated hardly less than by myself.

In recognizing among the names those of each of the Trustees of the Massachusetts General Hospital, I am bound to acknowledge this renewal of my indebtedness to that institution. It was the first to receive, verify, sustain, and promulgate the ether discovery; and, from the earliest, I have received from its officers, surgeons, physicians, and trustees, nothing but constant courtesy, liberality, and kind consideration.

Allow me to acknowledge your personal kindness in acting as a Committee for the purposes of subscription, and the tasteful manner in which you have given to it an enduring value and significance.

You are pleased to speak of my services as deserving a national reward. I am glad to have your concurrence and sympathy in this opinion; and it is not unknown to you, that, if received, it would be to me, not only a reward, but an indemnification and relief.

Respectfully, your obliged and obedient servant,

WILLIAM T. G. MORTON.

To Messrs. Samuel Frothingham and Thomas B. Curtis.

The box accompanying this note had upon it the following inscriptions: — In front, "Testimonial in honor of the Ether Discovery of September 30, 1846." And on the lid, "This box, containing one thousand dollars, is presented to William Thomas Green Morton, by the members of the Board of Trustees of the Massachusetts General Hospital, and other citizens of Boston, May 8, 1848." — Under which is a line extracted from the late Hospital Report, viz. "He has become poor in a cause which has made the world his debtor."

The subscription-book has one hundred and fourteen signatures. It is headed as follows, viz.: —

In view of the benefit received by the public from the late ether discovery, and with the desire of aiding towards the remuneration of Dr. W. T. G. Morton, of this city, for his services and losses, — we, the subscribers, agree to pay the sum set against our respective names; the same to be applied by Samuel Frothingham and Thomas B. Curtis, Esqrs. as they shall judge best for the benefit of Dr. Morton and his family.

Boston, April 3, 1848.

MR. METCALF'S ORIGINAL LETTERS.

The importance of Mr. Metcalf's original letters justifies their insertion here, as this pamphlet may fall into the hands of readers who do not possess the Hospital Report : —

Mr. Theodore Metcalf — in a note to Dr. Morton, dated Dec. 20, 1847 — says, “ I can only state, that I remember to have met you at Mr. Burnett's store early in the summer of 1846, and to have had a conversation with you in regard to the medicinal qualities of *sulphuric ether*, a quantity of which you were then purchasing. I cannot, as you desire, give the precise date, but know it to have been previous to July 6, as I left Boston on that day for a tour, from which I have but a few weeks returned.”

Mr. Metcalf also, subsequently, sent the following letter : —

“ Boston, Jan. 26, 1848.

“ Sir, — In answer to your inquiry respecting the nature of my interview with Mr. Morton, I can only add to my note of December 20, that the conversation was commenced by some inquiry on his part concerning the nature and effects of sulphuric ether, a vial of which he then held in his hand.

“ In answer to his several questions, I gave him such information as he could have obtained from any intelligent apothecary at that time, and also related to him some personal experience as to its use as a substitute for the nitrous oxide; adding the then generally received opinion, that its excessive inhalation would produce dangerous, if not fatal, consequences. Some reference was made — but whether by Mr. Morton or myself, I cannot remember — to the unsuccessful experiments of his former partner, Mr. Wells, with the nitrous oxide. It was one of those casual conversations which quickly pass from the mind; and it was for the first time recalled to my memory, upon seeing, months after, in a French journal, an account of the anæsthetic effects of ether, the discovery of which was ascribed by the writer to a Boston dentist.

“ I am, sir, very respectfully, your obedient servant,

“ N. I. Bowditch, Esq.”

“ THEODORE METCALF.”

The Messrs. Lord say, that a witness “ indisputably honest,” as they admit Mr. Metcalf to be, is yet less likely to tell the exact truth, even in a deliberate written statement, than “ if pinned by an oath.” Truly an elevated standard of morality, involving rather an equivocal compliment to some of their own witnesses, whose statements are not under oath !



